

## Sex Offenses

**As a military investigator you may be called upon to investigate the alleged commission of sex offenses contained in the MCM.** You may also investigate alleged sex activity of persons subject to the UCMJ if these activities conflict with current Army policy, bring discredit on the military, or involve security matters. The investigation may result in administrative action under the provisions of Army regulations or it may result in court-martial action under the provisions of the MCM. In all cases' you conduct a complete, thorough, and impartial investigation.

Your investigation of alleged sex offenses must be tactful and discreet. Most jurisdictions do not permit disclosure of the identity of living sex offense victims. This is especially true of women and minors. Detailed information about a sex offense may become public knowledge at the time of the trial. But the investigative process must not start or add to rumors that often circulate after the discovery of a sex offense. The provisions of AR 195-2 govern the dissemination of publicity related to such incidents.

False and exaggerated sex complaints are common. The motives behind such complaints may be hard to discern. Such complaints may be the sincere thoughts of the alleged victims or of the parents of alleged child victims. But sometimes they are made without any real basis or regard for the harm they may cause.

The alleged commission of a sex offense can create public pressure to identify and apprehend the offender and to prevent future offenses. Such pressure may hurt a suspect's right to a complete and fair investigation of the charges. Because of the nature of sex offenses, you must work quickly during the preliminary efforts. But beware of hasty or

<b>CONTENTS</b>	
	Pages
<b>TYPES OF OFFENSES AND ACTIVITIES</b>	<b>172</b>
Solicitation, Adultery,	
Prostitution, and Pandering .....	172
Homosexual Activity .....	172
Voyeurism .....	172
Indecent Acts .....	173
Carnal Knowledge and Sodomy .....	173
Sexual Assaults .....	173
<b>INVESTIGATION OF SEX OFFENSES</b> ....	<b>173</b>
Obtaining Evidence from Victims .....	175
Obtaining Evidence from Suspects .....	176
Taking Photographs .....	176
• Victims .....	176
• Suspects .....	177
Processing the Scene .....	177
Interviewing Victims .....	177
• Adults .....	178
• Children .....	180
Determining Consent .....	182
Checking Leads .....	182

rash conclusions. They can cause innocent persons to be falsely branded as sex offenders.

Every sexual offense is different. When you arrive at the scene, it is up to you to assess the psychological and physical state of the victim. This will aid in setting a course of action. Rape is perhaps the most serious crime, excluding homicide, that you will investigate. The trauma of rape can be a long-lasting one. It is essential that investigators who are assigned rape cases have a special knowledge and understanding of both rape victims and offenders. Two investigators should be assigned to a case. It is best to have a member of each sex on the team.

Proper collection and evaluation of evidence and testimony is critical in a sex offense. Evidence, even if it seems of little value at the time, should be secured promptly and used intelligently. It is difficult to convict sexual offenders. You must do everything in your power to avoid an error in your process of the investigation.

You direct your main effort toward finding out if an offense did occur, the specific nature of the offense, and who committed the offense. You collect evidence to prove or disprove the fact of the offense. You maintain records so the chain of custody can be shown at a trial by court-martial or can support administrative action. You do not analyze

the mental condition of the subject in your report. Nor do you color your report with a personal evaluation of the accused. Your efforts are directed to apprehending the offender. Legal and medical authorities will handle the disposition of the sex offender according to their professional analyses.

## **TYPES OF OFFENSES AND ACTIVITIES**

### **SOLICITATION, ADULTERY, PROSTITUTION, AND PANDERING**

Solicitation, adultery, prostitution, and pandering violate the UCMJ. When a person solicits or advises, with wrongful intent, someone to commit a sexual offense, it is a violation of Article 134, UCMJ. It does not matter if the solicitation or advice is acted upon. The solicitation may be by means other than word of mouth or writing. The solicitor may act alone or through other persons to commit this offense. And an attempt or conspiracy to commit any sex offense may be charged under the UCMJ. This may be important when a sex offense was planned or tried but not completed to the point that the needed elements of the offense can be shown.

Adultery, the act of sexual intercourse between a male and female when one of the two is lawfully married to a third person at the time, violates Article 134, UCMJ. Prostitution, is the engaging in sexual intercourse for pay or reward. Prostitution by members of the Armed Forces is punishable under Article 134, UCMJ. When prostitution of a person not subject to the UCMJ occurs on a military base, it is investigated by MP and referred to the proper authorities. Pandering is the wrongful or unlawful compelling, inducing, enticing, or procuring of a person to engage in acts of prostitution with persons directed to the prostitute by the panderer. It is also the arranging by the panderer for sexual intercourse or sodomy between two people.

### **HOMOSEXUAL ACTIVITY**

A homosexual act is any bodily contact between persons of the same sex which is

actively undertaken or passively permitted to get or give sexual gratification. It includes any proposal, solicitation, or attempt to perform such an act as well as the act itself. If a person involved in a homosexual act is acting against his or her will, the case may also involve assault, coercion, or fraud.

Some Army personnel claim to be homosexual. Cases of self-admitted homosexuality are referred to USACIDC for investigation under AR 195-2 to see if a criminal offense took place. Certain provisions of AR 635-100 and AR 635-200 provide for administrative action rather than court-martial action.

Should investigation disclose information involving security matters, it is referred to the proper intelligence representative. This ensures that there has not been and will not be a compromise of any classified material. The intelligence representative is kept advised of the case's progress until the case is closed or it is clearly shown that no further security interests exist.

### **VOYEURISM**

Voyeurism invades a person's privacy. It is a trespassing of someone's property to gaze through an opening at seminude or nude persons in a building. Often, but not always, it is done for sexual self-satisfaction. Generally, the voyeur must deviate from normal activity or trespass on another's property for the express purpose of invading someone's privacy. If done from the voyeur's abode or from a public vantage point, it may not be a violation.

Because this act can bring discredit upon the Armed Forces, this offense is punishable under the UCMJ.

### INDECENT ACTS

Indecent exposure is the willful, wrongful exposing to public view of the private portions of one's anatomy in an indecent manner. It applies to both male and female exhibitionists. Any oral or written communication between persons which contains indecent, insulting, or obscene language violates the UCMJ.

And so does the taking of any immoral, improper, or indecent liberties with, or the commission of any lewd or lascivious act upon or with the body of a child under age 16. The intent is to arouse or gratify lust, passion, or sexual desire. The desire can be that of the person committing the act, of the child, or of both. Actual touching is not required.

Indecent, lewd, and lascivious acts like mutual masturbation or indecent fondling of another are also violations of the UCMJ. Either or both participants may be prosecuted. Whether or not a participant is prosecuted depends on the person's ability to intend to commit or to cooperate in such an act.

### CARNAL KNOWLEDGE AND SODOMY

Carnal knowledge and sodomy are violations of the UCMJ. Carnal knowledge is an act of sexual intercourse between a male and a female who is under 16 years of age and to whom the male is not married. Any penetration is enough to complete the offense.

Sodomy is an act of unnatural carnal copulation with a person of either sex or with

an animal. Any penetration is enough to complete the offense. Emission is not necessary. If the act is done with a child under the age of 16 years, the penalty is more severe.

### SEXUAL ASSAULTS

Indecent assault, assault with the intent to commit sodomy or rape, and rape are all in violation of the UCMJ. Indecent assault occurs when an assailant takes indecent, lewd, or lascivious liberties with a person to whom the assailant is not married. The liberties must be without the victim's consent and against the victim's will. The intent is to gratify the assailant's lust or sexual desire. The offense applies to both males and females.

Assault with intent to commit sodomy is made on a human being without the victim's consent and against the victim's will. Assault with intent to commit rape occurs when a man intends to have sexual intercourse with a woman, not his wife, by force and without her consent. It is enough that he intends to overcome by force any resistance to his penetrating the woman's person. Actual touching is not needed.

Rape is an act of sexual intercourse committed by force between a male and an unwilling female who is not his wife. Any penetration is enough to complete the offense. Among the offenses which may be included in a charge of rape are carnal knowledge, assault, assault and battery, and assault with intent to commit rape. Indecent assault and taking indecent, lewd, and lascivious liberties with the person of a female may also be used.

## INVESTIGATION OF SEX OFFENSES

When called to investigate a sex offense, make a note of the time, date, and person making notification. Record weather conditions and any other information that may help when prosecuting the offender. It takes only a few minutes to record these items. Note the time you arrive on the scene.

Get as many details as you can from those who report sex offenses. The who, what,

when, where, why, and how should be fixed quickly and clearly. Thus, jurisdiction can be determined and coordination begun with the required agencies and those that may be of help. And record anything you think may be relevant and of value when the suspect is caught and the case goes to court.

The first contact you have with the victim is of great importance. Do not assume that

the victim is old enough or mature enough to cope psychologically with the offense. Your interest in the victim and your concern for his or her welfare are factors in the victim's future cooperation. If the victim is a child who must be in the sole care of the military even for a short time, two mature investigators, preferably parents, should be responsible for the child. If the investigators are both male, arrange for a female member of the Armed Forces to be with the child also.

If the alleged offense is a rape or other form of sexual violence, the first job at the scene is to give aid to the victim. While one member of the team gives first aid to the victim, and conducts an initial interview to learn what occurred, the other can begin gathering physical evidence so it will not be destroyed by mistake.

All victims must be examined by medical personnel as soon as possible, as the value of serological evidence is reduced by delay. Detailed questioning of the victim can be done later to get leads and information related to the offense.

Find out by whom, and in what setting and manner, and to what extent the victim has been questioned about the offense. The more victims are interviewed, the more reluctant they may be to talk. Do not allow other interested investigators to question a victim.

All interviews should be recorded, if possible. When circumstances prevent an electronic recording, a stenographic transcript or detailed notes can suffice. All later oral or written statements of the victim are matched with what is said in the initial interview. Discrepancies must be noted and checked.

During the interview at the crime scene, advise the victim that you are qualified to investigate this crime and that you understand the situation. Gain the victim's confidence and project a truly professional image. Explain to the victim what you are doing and why. When you have enough information to start processing the scene, the victim must be taken quickly to the nearest medical facility for a thorough examination. One investigator goes with the victim. The other stays to continue the on-scene

investigation. If the assault took place in the victim's home, ask the victim to take a change of clothing to the medical facility. Explain that the clothing worn during the attack must be examined for evidence. If the attack took place elsewhere, ask the victim to contact a relative or friend to have a change of clothing brought to the hospital.

Sometimes the offender is still at the scene. In such cases the offender must also be examined. Make sure the victim and suspect are not transported in the same vehicle, nor interviewed in the same office. Otherwise, trace evidence may be transferred after the crime.

Both victims and suspects subject to the MCM are examined by medical officers at the nearest military medical facility. The examining physician must be told the details he needs to make the kind of medical exam that will provide evidence to prosecute the offender.

The examination must be done in a reasonable way for both victims and suspects. Try to get consent of the suspect. Such searches are allowed if they are not unreasonable or morally reprehensible. A search of any part of the body not normally open to public view may be made without a person's consent, if it is incident to his lawful apprehension. A search may also be authorized by a person's unit commander if there is probable cause to believe a sex offense took place and that the exam will yield evidence of that crime. Use only that degree of force needed to do the search. Ensure a complete chain of custody is kept for all collected evidence.

Persons not subject to the UCMJ may choose to be examined by either a civilian doctor or a medical officer. They cannot be forced to submit to examination by a medical officer. And the fact that the suspect is military, or that only the military is investigating the offense, does not alter a civilian's right to choose an examining doctor or to refuse a military exam.

You should obtain a parent's or guardian's written permission before a child is examined or treated by a medical officer. A parent or guardian should be with the child and

present during the examination. They should be told, with tact, that an examination is needed for the case. Advise them that, in most cases, it must be shown by medical opinion that the offense did take place.

The examining physician may not be aware of the *evidence-seeking* objective of the examination unless you tell him. His main concern is for the welfare of his patient. For this reason, you should advise the physician of the areas of interest to the case and the evidence samples needed for the investigation.

The USACIL can examine most of the evidence needed for sex offense investigations. Examinations of parts of human or animal bodies and of materials from human or animal bodies require other services.

Vaginal, anal, or oral swabs and blood samples collected by the doctor who examines a victim or a suspect should be processed at Army medical laboratories and at the crime lab. But one vaginal smear should be tested by the hospital for the presence of *motile sperm* to verify a fresh complaint. Recent sperm presence would not be able to be determined by the time the specimen would reach the crime lab. Separate samples should be obtained for each lab. The samples must meet the requirements of the Sexual Assault Kit, NSN 6640-01-046-2693. And submit the swabs used to make smears on glass slides. They are best for crime lab purposes.

If the offense has occurred in the victim's home, hair and blood standards should be collected from the victim's spouse for elimination purposes. This should also be done for roommates or other persons who live in the immediate area of a crime scene. Send all physical evidence like hair and blood evidence, foreign materials taken from the body of the victim or suspect, and comparison samples to the laboratories *immediately*.

### **OBTAINING EVIDENCE FROM VICTIMS**

The victim's body is the alleged scene of the crime. Thus, it may conceal evidence of a crime. From this evidence, the examining

physician can give expert testimony. Wounds, bruises, cuts, abrasions, and irritations may help to show penetration, violence, or resistance. They should be described in the doctor's notes, reports, and testimony. This evidence may provide leads as to the type of offender and the weapons used. Photographic records are quite helpful to the prosecution.

The sexual organs and nearby areas may show traces of the victim's or offender's blood and semen. Swab specimens of material from the vagina, mouth, and anus should be taken, as needed. Swab bite marks with a saline solution. Air dry the swabs before sending them to the crime lab. Have foreign material on the pubic and anal areas and the legs and stomach collected and examined for semen, blood, or other evidence. Pubic, anal, and oral areas must be viewed for wounds, abrasions, skin damage, feces, mucous materials, and lubricants. If the active or passive roles of participants in an alleged sodomy case are unknown, the same checks must be done for both persons.

Foreign hairs and fibers on the body must be secured as evidence. Vigorous combing with a new fine-tooth pocket comb is the best way to find loose hairs and fibers. Pack the teeth of the comb with absorbent cotton along the comb's base where the teeth meet the spine. Use separate combs for head and pubic areas. Use transparent tape to collect fibers from other areas.

Ask the doctor to take samples of hair from the head, pubic area, and armpits by pulling the hairs. Entire strands of hair should be taken. Care should be taken not to dislodge foreign materials or damage the hair ends. Samples are also needed from the chest, arms, legs, and buttocks. Each sample should consist of 15 or 20 hairs. Samples of 6 to 10 hairs should be taken from the eyebrows and lashes. Hairs also should be plucked near skin level from brows and lashes. Hairs also should be pulled from dead victims.

Each hair sample must be packed in a white, totally sealable envelope or plastic bag. It must be labeled carefully and identified by the initials of the doctor who took it. The samples should be sent to the appropriate crime lab.

Saliva, urine, and blood samples should be taken for typing; testing for venereal diseases; and examining for alcohol, narcotics, and poisons. If the victim was menstruating at the time of the offense, get a sample of the menstrual flow. The sanitary napkin worn at the time of the crime should be taken to compare with evidence stains. An early morning, first-time urine specimen should also be collected for a pregnancy test. Blood samples normally are examined at a medical lab. However, sufficient samples should be sent to the crime lab to compare with evidence stains. All evidence collected by the doctor must be put in separate containers and marked.

The doctor should take fingernail clippings from each finger. Right hand clippings must be kept separate from left hand clippings. The clippings, properly packed and marked, should be sent to the crime lab.

The victim's clothing that was worn during the crime is needed for evidence. Secure the clothing of victims subject to the UCMJ in a way which conforms with the rules of search and seizure. The clothing of victims not subject to the UCMJ may not be taken without their consent. And you need the consent of a parent or guardian if the victim is a minor. If the victim or parent does not want to consent, try explaining why the clothing is needed and how it will be used.

Get the victim's clothing promptly. Valuable evidence may be destroyed by the family of the victim in an effort to clean or to dispose of the garments. Their effort is a natural reaction. There is usually no intent to destroy evidence. Even if a garment has been cleaned, it should be secured.

Mark each item for identification. Clothing must be packaged in separate paper containers to be sent to the lab. If a garment is wet or has damp blood or seminal stains, dry it at room temperature without a fan or artificial heat. The garment must not become contaminated while it is being dried or stored. Do not allow it to come in contact with your clothing or that of the suspect.

If the victim of an alleged sodomy is an animal, you must have it examined by a veterinarian. It should be searched for wounds, bruises, or abrasions; human

semen, blood, and hairs; and clothing fibers. Hair and blood samples should be taken and swab samples should be taken from body openings. If the animal is to be destroyed, be sure a picture of it, showing evidence of the assault, is taken first. If the animal is dead, the veterinarian should do a complete autopsy. The veterinarian can give expert testimony in court about the examination and findings.

### **OBTAINING EVIDENCE FROM SUSPECTS**

The suspect is examined for wounds, bruises, cuts, or abrasions. These may have been caused by the victim's struggle or from an act of forced sex. The entire body, particularly the genitals and pubic area, should be searched for blood, semen, hairs, feces, vaginal debris or other matter from the victim. For sodomy suspects the oral and anal areas should be examined as well. Foreign materials are kept to compare with materials from the victim's body or the crime scene. Hair, blood, and saliva samples and fingernail scrapings are taken. Persons suspected of sodomy with animals are checked for animal blood, feces, hairs, or feathers, and other fluids or materials from the animal's body. All evidence must be properly sealed and marked and sent to the crime lab.

### **TAKING PHOTOGRAPHS**

Take photographs to preserve graphic evidence of the appearance of the victim. The photos can show wounds, bruises, and lacerations that may heal or disappear by the time an offender is brought to trial. Use color film if it will enhance the evidence value of the photos. Bruise evidence, for example, is hard to photograph in black and white.

Evidence photographs, including negatives, should be taken, processed, and handled in a way that preserves the chain of custody. This will ensure their admissibility in court. It also will prevent them from falling into the hands of unauthorized persons. The photographs should be used only for purposes of investigation and prosecution.

#### **Victims**

Photographs of living victims taken by law enforcement personnel on their own

initiative are limited to those parts of the body normally visible when the victim is clothed. Photographs may be needed of the private parts to substantiate and illustrate medical testimony. Photographs may not be taken of these parts of the victim's body except with their express written consent. If the victim is a minor, you must get consent of the victim's parents or guardians prior to taking these photographs. And they should only be made under the supervision of the examining physician. A female must be present when a female is to be photographed. MP may photograph the bodies of deceased victims without permission of the next of kin.

### **Suspects**

Parts of the body of suspects subject to the UCMJ that are not normally open to public view may be photographed without their written consent. Photographs can be taken only if they are authorized by the person's commander, or a military magistrate, when he has cause to believe a sex offense was committed. He must believe the photograph will preserve graphic evidence of wounds, abrasions, or lacerations on the suspect's body which may have been incurred during the crime. The photographs must be made under the supervision of the examining physician. It is his testimony the photographs are to illustrate. A same-sex member of the Armed Forces should be present when a photograph is made.

### **PROCESSING THE SCENE**

While the victim is receiving medical attention, the crime scene is processed. Photographs and sketches of the scene are made and items of evidence are sought. In addition to standard crime-scene processing, collect the clothing worn by both the victim and the suspect. Search for seminal stains on clothes and bedding, and pubic and head hairs of the suspect. If the sex offense involves an assault of any kind, look for blood at the scene. Check entering and exiting points when indoors, and look for items left by the assailant. Make a thorough search of the area the victim declared in the initial interview to be exact point of the attack. If the attack was made in a residence, search the bathroom. Many sex offenders will use the bathroom after committing a sex offense.

While at the crime scene, conduct an area canvass. Obtain the names and addresses of every person in the immediate area of the crime. Separate possible witnesses and detain them until interviewed. Get detailed contact information from any person who must leave the scene before being interviewed.

### **INTERVIEWING VICTIMS**

Interviewing any victim of sexual abuse is demanding work. This is largely because you must obtain information from a victim who most likely finds it unpleasant to recount the personal aspects of the crime. If you do not use proper tact and diplomacy, the interview will fail. And more importantly, the victim may suffer emotionally.

One essential in the interview is setting rapport with the victim. There should be as few people as possible in the room when the interview begins. A victim will relate the incident more freely if only one person is present. Once rapport is gained, gradually and smoothly lead into a talk of the offense. Throughout the interview, exercise tact, compassion, and patience. It is especially important when interviewing victims of rape and other sexual assaults that you be aware of victims' fears and know how to lessen them. Encourage victims to talk freely. Be sympathetic and understanding. Their confidence in you will tend to calm them. Let them know that you are concerned for their welfare. Let them know that the reason you must ask these personal questions is because the law needs the information to prosecute the attacker. Female victims may respond more easily if a female investigator asks these questions.

Allow the victim to tell about the event in his or her own words. Record all statements carefully. When you can, use a tape recorder. Encourage the victim to relate completely and logically what happened. Do not ask leading questions. You may cause the victim to later repeat, as fact, information suggested by your statements or questions. This is often the case with a disturbed person or one who is overly eager to help. Have victims voluntarily recall all the information they possess. Then you can ask questions to test the validity of the complaints or information.

Talk only enough to keep a victim talking on the subject in a rational and cooperative manner.

There are some questions that must not be asked under *any* circumstances. Never ask victims—

- Anything unnecessarily embarrassing or humiliating.
- To relate their entire history of sexual experience.
- How many times each week they have sexual intercourse.
- If they reached a climax.
- If they enjoyed it.
- If they reached a climax with their partners during their last sexual encounter.
- If they think they brought it on themselves.
- About the size of an offender's penis or testicles.

When you ask victims if they wish to prosecute their offenders, be sure victims do not infer that they should not want to do so. And be careful not to make any promises to the victim. Do not tell them that they will not have to appear in court. Do not say that they will not have to identify the suspect. Do not tell victims that prosecuting a sex offense is easy. **But do tell them that it will be worthwhile to see justice done.** Tell them that they will help prevent someone else from suffering a sexual assault. A brief description of the criminal justice system, with the chain of events in prosecuting a case, can also be of help to victims.

Interviews should never end abruptly. When you have gained all pertinent facts about the incidents, ask the victims if there is anything else they have to say.

### **Adults**

Certain questions should be asked first, so basic information can be obtained. At the initial interview, learn if the offense occurred and exactly what took place and where. Find out if the victim knows or can describe the offender. Perhaps there is a relationship between the victim and the offender. Ask if the victim knows where the offender is or could be located. The possibility of immediate apprehension should not be overlooked.

At the second interview, you should learn more detailed information. Ask the victim's exact age. Obtain a description of the offender. Ask about the type, color, and style of the offender's hat, shoes, and other clothing. If the offender was not seen, the victim may be able to describe or give details about the clothing from touch. Ask about peculiarities in the offender's walk or other movements. Ask about buttons or accessories like military buttons, insignia, or ribbons on the offender's garments. Ask about odors. The victim may recall the smell of perfume, hair tonic, face lotion, powder, alcohol, or drugs. Some odors from clothing or shoes may be acquired from an offender's occupation or habits.

The victim may recall the offender's words and voice tone. If there were several offenders, they may have mentioned names and places that will help identify them. This information also may show the method of operation of the assailant. If a vehicle was used, get a description of it. The victim may be able to distinguish between the vehicles of several suspects. Perhaps the victim can recall the color and general appearance of the vehicle. Ask about the presence and type of grill; bumpers; head, parking, fog, and spotlights; horn; and radio antenna. Ask if bumper markings or stickers on windshields, windows, or bumpers were seen. Learn of any dangling items like baby shoes, toy animals, or squirrel or fox tails. Get the type, number, and arrangement of doors and seats. This includes the type, color, or fabric of seat covers, floor mats, and upholstery. Victims may have seen tears, worn places, or other irregularities. Get details of the dashboard. Ask about the presence of a radio or a heater, unusual gadgets, accessories, keyholders, or chains. Note the type and location of ashtrays and interior lights. Ask about the presence of unusual odors or noises. Victims may see packages, tools, clothing, or other identifiable objects. They may recall details of the rear of the vehicle. They may remember license plate numbers. Or they may recall the number and color of taillights and turn signal lights, malfunctioning lighting equipment, or trunk construction. Ask about the presence of an exterior spare tire holder or excessive smoke from the exhaust.



### INFORMATION USEFUL FOR INVESTIGATING A SEXUAL ASSAULT

- What did the victim do earlier in the day or the evening, before the assault?
- Who was the victim with before the assault?
- Was the victim consuming alcohol?
- What activities could have exposed the victim to the assailant?
- What was the victim doing just before the assault?
- Where was the victim when he or she realized there was danger of an assault?
- How was the victim dressed?
- How and when did the victim get undressed if this occurred before the assault?
- When did the victim first notice the assailant?
- If the incident took place outdoors, was the victim followed or did the assailant appear suddenly?
- If the incident took place indoors, how did the assailant enter?
- Were the doors and windows locked?
- Was anyone else in the house?
- Were any lights on?
- Was the offender armed? With what?
- What exactly did the assailant say? Did the assailant imply having seen the victim before?
- What did the assailant do?
- Was the victim threatened to ensure cooperation or to avoid a report of the incident?
- Was the victim struck?
- Was the victim bruised or otherwise injured?
- What was the victim's state of mind?
- Was it calm, nervous, frightened?
- Did the victim struggle? Was the assailant scratched or marked? Was the victim afraid to do so?
- What clothing was removed from the victim? How?  
What clothing did the assailant remove?
- If a weapon was used, what did the assailant do with it while undressing or during the assault?
- What did the assailant touch? The victim's face? Belt buckle? Pendant? Glasses?
- Had the victim ever seen the assailant before? Where? When?
- Did the assailant take any clothing, objects, or money from the scene?
- How did the assailant leave the scene? Could the assailant be heard running or driving a car or motorcycle?
- About how long was the assailant there?
- What did the victim do right after the assailant left?
- How long before the victim reported the incident?
- Who called the police? If there was a delay, why?
- Did anyone remove anything that might have evidence value?
- Did the victim bathe or douche?
- What was the sex act that took place?
- Was there penetration or an attempt at penetration?
- If the assault was a rape, how long ago was the victim's last sexual intercourse?
- Did any other sex act take place?

Check a victim's reliability as a witness. Was the victim able to see and hear under the conditions present at the time and place of the crime? Find out if the victim regularly wears glasses or a hearing aid. Note whether or not the device was worn when the offense took place. Learn of any handicaps that would have limited a victim's resistance to the offense. And check to see if the victim was under the influence of alcohol or drugs during the crime. This includes at the time found or rescued, at the time of the complaint, when first seen by the MP, or during the initial interview.

When obtaining this information, explain that from the sperm and semen the rapist's blood type can be learned. If intercourse with someone else has occurred, two blood types may be found. An interview with any person with whom the victim claims to have had intercourse is proper.

### **Children**

When a sexual assault on a child is reported, involvement usually begins with the interview of the child. It is often good to have a female investigator conduct interviews with child victims. Also, the presence of a female nurse may be useful. The nurse would not take part in the interview, but her physical presence could give security to the victim.

You must use special skills to conduct an effective interview with a child. Be aware that the emotional reactions of parents and the problems of communicating with a child often complicate the interview process. If the victim is a child, learn if the parents have punished the child regarding the offense. And try to learn if they have told the child what to tell you.

You need insight about how children perceive and relate events. And you must understand the psychological reactions of the child and the parents to the incident. An understanding of the psychological reactions of both victims and parents can avoid unneeded anguish and promote an atmosphere of trust and support. The child is likely to reflect the parents' attitude towards law enforcement officials. Hence, check the parents' reactions, if they are not involved

directly in the crime, before concentrating on the victim.

Parents of a sexually abused child often have feelings of extreme guilt. They blame themselves for letting such a thing happen. Reassure the parents that the only guilty party is the offender and that they have been responsible parents. This approach may calm the parents and allow them to give the child much-needed support. Children tend to become psychologically soothed when their parents talk with them in an understanding and sympathetic manner. By calming the parent, you calm the child.

Perhaps the most common reaction of a parent of a sexually abused child is a combination of anger, fear, and sorrow. Allow parents to ventilate their feelings. Then try to assure them that their child is safe. Advise them that during the investigation, all will be done in the child's best interest.

Sometimes parents will displace their guilt on the child. The parent will blame the child for the incident. When this occurs, separate the child from the parents. Explain that their behavior will affect the child's present condition and future recovery. Tactfully convince the parents that you have seen cases where this has happened and that your only concern is for the child.

Sometimes one parent is the offender and the other parent expresses guilt. For instance, a mother may have known for some time that her husband has been sexually abusing her child. Acknowledge the mother's behavior, but do not condemn or criticize it. Antagonizing the mother only makes the interview of the child harder. And it could severely scar the mother psychologically. It costs nothing to be sympathetic and understanding.

Interview the child as soon as you can after the incident is reported. The longer you wait, the less the child will be able to recall. But the welfare of the child cannot be sacrificed for investigative expediency. The child is likely to be confused and frightened. Extensive questioning by more than one person can cause the victim emotional trauma. Avoid this when possible. But this does not preclude

the need for a detailed interview by a responsible investigator. When interviewing a child victim, obtain the elements of the offense without causing the child unneeded anguish.

Find out how advanced the child's sexual education is and if the child is being taught at home or in the classroom. It is helpful if you know the names the child uses for the sexual organs. When a written statement is taken, use the child's wording instead of formal terminology.

The victim's skill in telling time can be crucial to show when the attack took place. If a child cannot tell time, he may be able to relate to a routine. For example the child may state, "I was on my way home to eat dinner. We always eat at five o'clock. Paul's mom told me I would have to hurry if I didn't want to be late."

You must learn if the child can tell fact from fantasy. Ask the child if he or she knows what a lie is and what happens to him if he lies. If the response is positive and meaningful, you will have an insight as to the victim's moral fiber. Note not just what is said, but the way it is said. In some cases, honesty on the part of the victim can be supported by teachers, friends, parents, or ministers.

The in-depth interview of the victim should take place only after the child has been treated by a medical officer and his or her physical needs have been met. Personal needs often include washing and changing clothing. Do the interview in a private place where the child can feel some degree of security. A preferred location is the child's home, as long as it is not the site of the attack. The child's home is familiar and private. It can be made relatively quiet with the aid of the parents. If an office is used for the interview, allow the child to browse around the room to become familiar with its contents. Then they will not be distracting to the child during the interview.

Before the interview, explain to the parents the purpose and scope of the questioning. A sympathetic understanding of the parents' position can gain their support. A child's first reaction to the interview depends largely on the parent's attitude.

Circumstances will dictate if a parent should be present. If a family member is involved in the attack, it is best to do the interview without either of the parents in the room. And some children will not want to discuss the matter in front of family members. Others will not be truthful if they are present. If the child does not want his parents present, you should oblige. Explain this to the parents before the interview to avoid an uncomfortable situation. In all cases, the interview must be done with the welfare of the child uppermost in your mind.

Most children like to talk about themselves. Take advantage of this fact. Questions about their hobbies, friends, pets, and other interests let the child know you are genuinely interested in him or her. Let the child tell the story in his own words. Refrain from asking detailed questions until the child is finished making the statement. A nod of the head lets the child know he is being listened to. Use language in keeping with the child's age.

Toward the end of the interview tell the child that if he recalls anything else about the assault, he should tell his parents. If the child asks, and is old enough to understand, you can briefly outline the remaining steps in the investigation. A good way to end an interview with a child is to turn the talk back to friends, family, or pets. Then the child leaves the interview on a positive note, without the horrible remembrance of the incident first in mind.

After the interview, talk with the parents. Ask them not to question the child about the incident, as it will increase the child's emotional recovery time. It is in the best interest of the child if he does not have to continually think about the assault. But tell the parents that if the child wants to talk of the incident, they should speak frankly and without embarrassment. You may want to provide the parents with a list of social organizations they may find helpful if the child has problems adjusting.

Final reports on cases of alleged rape or illicit sex acts against minors must include some special documents. You must get a signed and properly authenticated copy of the medical report. It should cover the complete medical examination of the victim.

If the victim or the victim's parents or guardians refuse the examination, try to get a signed statement showing their refusal. You need a copy of the victim's birth certificate. If one is not available, you need other acceptable evidence of the true age and identity of the victim. Include a copy of the victim's statement with the complaint for which the investigation was done. If the victim is not legally competent to make a sworn statement, a statement by the parent or other adult who made the complaint will do. A child's statement should be placed in writing and signed under oath by two or more responsible adults who can attest to what the child said. These persons do not swear to the accuracy or truthfulness of the child's statement. They attest only to the fact that what the child said is substantially what is stated on the written document. Include a copy of the written consent by the parents or guardians for the medical examination of the child.

### DETERMINING CONSENT

Whatever the age of the victim, if consent to a sex offense is material to the case, find out if the victim encouraged, resisted, or consented to the act. Intimidation, coercion, threats, or fraud may be given as reason for not resisting. If such a reason is given, make note of the acts, threats, or statements that were made. And secure a detailed description of any weapons used.

Do not assume from a victim's occupation, associates, habits, appearance, personality, or economic or social status that the victim is promiscuous and most likely consented. Do not infer this from the fact that the victim has associated with the accused. Do not do so even if the circumstances tend to compromise the victim. The courts decide whether or not consent was given. You collect evidence that may show consent or the lack of it.

Testimony on the character of the victim of a sex offense may be of value in showing whether consent was given. If there is conflicting character testimony, polygraph tests may be in order. You may also secure testimony from unbiased persons who are familiar with the victim.

Learn if the victim has a reputation for illicit intercourse. Find out if it is with or without reward and with the same or different persons. Try to learn if the victim was mentally incapable of legally consenting to sexual intercourse at the time of the act because of drugs, alcohol, age, disease, injury, or psychiatric condition.

Check to see if the victim has ever made false sex allegations. See if the person has a motive for a false complaint. The complaint may be a means of concealing an indiscretion. Did the victim fail to get the expected pay for an act of prostitution? Is the victim conscience-stricken because of a seduction? Does the victim want revenge against the accused or want to force a marriage? Does a female victim think she is pregnant and hope to remove the stigma of indiscretion? Is the victim hoping for a cash settlement from an accused or the accused's family? Does the victim believe the US government will pay damages to someone assaulted by a service member?

Statements and accusations that the victim is of lewd repute, habits, or associations, or has engaged in specific sex acts with the accused or other persons, may be admissible evidence. These points should be checked in detail. But bear in mind that such persons can be bona fide victims of sex offenses. Be on the alert against attempts by an accused to make up untrue stories of past sex acts with the victim. An accused may produce other persons who claim such experiences. On the other hand, check on efforts by relatives or friends to provide the victim a good reputation that is not deserved.

### CHECKING LEADS

When checking leads keep in mind that sex crimes have no one type of offender. Anyone can commit a sex offense. Think of the unusual. Whoever had the chance to commit the crime can be suspect. This is in spite of excellent reputation, law abiding past, or high station in life.

The first steps in apprehending an offender often relate to whether the victim or witnesses know or can identify the person. If the accused is known, or a description is on

hand, send this promptly to MP patrols to make the apprehension. All resources must be used to the fullest extent to identify, search for, and apprehend the offender. Have pickup alarms, based on the best information on hand, posted on MP bulletin boards. They should also be circulated to MP patrols, investigative personnel, and civil police. Descriptions of persons recently apprehended by MPs may be matched with the description of the wanted offender.

Think about what the victim or witness said the offender wore. Make a detailed visual examination of all of a suspect's clothing. It should be examined for evidence of the offense, contact with the victim, and presence at the crime scene. Search underclothing, handkerchiefs, and all outer garments that are like those worn by the offender. Note any stains or smudges of blood, semen, lipstick, rouge, or powder. Look for efforts by the offender to remove stains or smudges. View tears, rips, and lost buttons and insignia, or efforts to repair or replace such items. Check for hairs different from those of the suspect. Search for lint or fibers from the victim's clothing or from other textiles at the crime scene. Don't overlook mud, dust, or vegetable matter like that at or near the crime scene. See if their shoes closely match casts made of footprints at the scene.

Sometimes items belonging to friends or associates of a suspect need to be examined. This is done if there is evidence that the suspect has loaned, borrowed, or exchanged clothing. Military items can be inventoried. The results may be matched with authorized allowances, legitimate shortage, known sales or purchases, and other garments or property the suspect is known to have had prior to the offense. Places where the suspect may have disposed of incriminating evidence should be searched.

Many sex offenders take items of clothing from their victims. Physical objects symbolic of sex and obscene literature and photographs are often found in the possession of offenders. As some offenders will not want these items left around their homes, you may want to get permission to search a suspect's place of business. Other

items that might give a clue to the identity of a sex offender are tape recordings of previous sex acts or letters from friends discussing their shared participation in unusual sex activity.

To obtain suspect leads if the victim is dead, you must trace the victim's recent movements. Identify persons with whom he or she was last seen. Seek witnesses who saw any persons near the crime scene or the place where a dead victim was last seen alive. Photographs of the victim may help in locating witnesses. Check the victim's associates and places he or she frequented for leads. The only lead may be the name of the person with whom the victim was supposed to be. It could also be the place at which the victim was believed to be just before or at the time of the offense.

Medical personnel also can help identify and locate the sex offender. They may be asked to identify persons recently seeking treatment or advice for illnesses accompanied by the tendency to perform acts like the present offense. Often medical personnel can give good investigative leads. They may also be able to account for the activities and recent whereabouts of patients who may be suspect.

If leads do not develop elsewhere, check MO offense or offender files. Try to identify persons who have committed like crimes or other sex-oriented crimes, or who have used similar criminal methods. Accurate and detailed records of unrelated sex crimes can lead to early detection of a sex offender. If you check on these persons and their recent activities, you may find leads to your present case. Arson may sometimes be sex-related when persons suffering from pyromania set fires. They get their sexual gratification from the smell, sight, and sound of fires, and the sight and sounds of the fire equipment that respond. Check assault records. Assaults may sometimes be sex-related. Sometimes unprovoked assaults on women and children are made by an assailant with latent sadistic sexual overtones. Check on the larcenies of or mutilation of women's garments. These offenses are often treated as juvenile pranks. But experience shows that they may be a first step toward deviate sexual offenses.

Unit commanders may be asked to report soldiers who are absent without leave. Check who was on leave or pass to the locale where the crime took place. Learn who failed to return, came back late, or who has acted

suspiciously since the crime. If the victim could have injured the offender, then MP, medical people, and commanders can be asked to hold any persons with such injuries for questioning.

---